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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Chapter 11  
TRI-STATE PAPER, INC., Case No. 23-13237-PMM  
Debtor.  
. . . . .  
TRI-STATE PAPER, INC., Adversary Case No.  
Plaintiff, 24-00072-PMM  
v.  
RAYMOND V. BARKMEYER,  
et al.,  
Defendants.  
. . . . .  
TRI-STATE PAPER, INC., Adversary Case No.  
Plaintiff, 23-00090-PMM  
v.  
JOHN DOE #2, et al., Courtroom 1  
Defendants. 900 Market Street  
Philadelphia, PA 19107  
Wednesday, March 13, 2024  
. . . . . 9:30 a.m.

TRANSCRIPT OF HEARING  
BEFORE THE HONORABLE PATRICIA M. MAYER  
UNITED STATES BANKRUPTCY JUDGE

1 APPEARANCES:

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25 Proceedings recorded by electronic sound recording,  
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1 (Proceedings commenced at 9:30 a.m.)

2 THE COURT: Good morning.

3 THE BAILIFF: Please be seated.

4 Court is now in session.

5 THE CLERK: Good morning, Judge.

6 THE COURT: Good morning.

7 THE CLERK: Let me call number -- well, I'll just  
8 call them together and then you can select how you want to go  
9 and in what order --

10 THE COURT: Okay.

11 THE CLERK: -- 2, 3, 4, and 5, Tri-State Paper,  
12 Inc. Chapter 7 small business plan; motion to allow claims;  
13 an adversary matter; and a status hearing.

14 THE COURT: Okay. Everybody here on Tri-State, I  
15 assume?

16 (No verbal response)

17 THE COURT: All right. Let's get appearances.  
18 Mr. Assad?

19 MR. ASSAD: Michael Assad for the debtor, Your  
20 Honor.

21 THE COURT: Uh-huh.

22 MR. LADOV: Good morning, Your Honor. Joshua  
23 Ladov on behalf of creditor, Penn Jersey Paper Company.

24 MS. LEVY: Jill Levy on behalf of Penn Jersey  
25 Paper Company.

1 THE COURT: Okay. All right.

2 So what I'd like to do is the obvious, which is to  
3 take the motion to allow the late claim first, because I  
4 think if we do that first, it makes the first most sense.

5 So, Mr. Ladov, why don't you -- I assume you're  
6 going to make the argument, so...

7 MS. LEVY: No, that would be me, Your Honor.

8 THE COURT: Oh, I'm so sorry, Ms. Levy.

9 MS. LEVY: Well, that's okay.

10 THE COURT: Feel free. Jump in.

11 MS. LEVY: Okay. So Penn Jersey's motion to have  
12 the late-filed proof of claim is governed by Bankruptcy  
13 Rule 9006(b)(1) and according to 9006(b)(1), the Court is  
14 permitted to allow late-filed claims if they're the result of  
15 excusable neglect and the determination of excusable neglect  
16 is an equitable one.

17 And that equitable determination takes various  
18 factors and considerations, which include balancing the  
19 interests of both the parties, the prejudice to the debtor,  
20 length of delay, and the impact to judicial proceedings. And  
21 it's our position that all of these equitable factors weigh  
22 in favor of allowing the claim. There's no prejudice to the  
23 debtor. According to the debtor's own liquidation analysis,  
24 there are ample funds to be distributed to the creditors at a  
25 hundred percent and, really, there's no reason for Penn

1 Jersey to not be able to participate in the distribution of  
2 the proceeds of the estate.

3           The analysis discloses that there's approximately  
4 \$1.7 million to be distributed to the unsecured creditors and  
5 the allowed claims at this point are only \$436,000, which is  
6 going to leave \$1.3 million in the estate and a claim of  
7 70,000 -- 71,000 is all that Penn Jersey has.

8           The proof of claim was filed only 30 days -- 34  
9 days late and, you know, Penn Jersey did not file the claim  
10 late in bad faith.

11           As far as the proceedings, the creditors have  
12 until March 20th to vote on the plan. The confirmation  
13 hearing is not scheduled until March 27th. So clearly  
14 there's no delay in the proceedings here.

15           And by contrast, by not allowing Penn Jersey to  
16 have its claim, there's -- it's a big detriment to Penn  
17 Jersey. It's 70,000 -- \$71,000 worth of goods that were sold  
18 to the debtor that the debtor received and accepted, but  
19 never paid for. The debtor almost concedes, or pretty much  
20 does concede that it owes the money, because it scheduled  
21 Penn Jersey's claim on its schedules at \$70,872.99, although  
22 it was scheduled erroneously as "unliquidated," because it is  
23 liquidated.

24           Penn Jersey's proof of claim establishes that  
25 that's the precise amount that's owed, which is supported by

1 Penn Jersey's statement of the account and the invoices  
2 submitted to the debtor, which were attached to the proof of  
3 claim.

4 And by disallowing the claim, all that will happen  
5 is Penn Jersey is going to have to forfeit, rather than  
6 preserve its right to payment. And the goal of a Chapter 11  
7 is, you know, for rehabilitation and to pay the creditors  
8 what they're owed, or as much as they can get in the  
9 bankruptcy.

10 The debtor's objection focuses solely on the  
11 neglect part. It doesn't address any of the equitable  
12 considerations. And, of course, you know, the position is  
13 that it was inexcusable. But according to -- there's a case,  
14 it's Pioneer Investment Services Company v Brunswick  
15 Associates Limited Partnership. The Supreme Court of the  
16 United States specifically stated that neglect encompasses  
17 quote, "common omissions caused by carelessness."

18 Because this was not filed in bad faith, it's not  
19 delaying anything. There's no prejudice to the debtor, and  
20 the only party that would be hurt by not allowing the claim  
21 is Penn Jersey. We'd request that the proof of claim be  
22 deemed filed timely.

23 THE COURT: Okay. Mr. Assad?

24 MR. ASSAD: Thank you, Your Honor.

25 First, I would just note that this Court has

1 already, in this case, thrown out a proof of claim because it  
2 was not timely filed. Beyond, I would say Penn Jersey did  
3 have proper notice of the bankruptcy case, as it concedes.  
4 It received several notices about the bar date and other  
5 issues in this case. It had several reminders, you know,  
6 that the case was happening. It admits that it received the  
7 proof of claim and gave it to its lawyer to file. Its lawyer  
8 didn't file it.

9 But a proof of claim, the Rules do not require an  
10 attorney to file a proof of claim. Of course everybody  
11 prefers that they hire a lawyer, because that's why we're  
12 here, but the proof of claim process is designed that if a  
13 creditor receives a proof of claim, it can file it if it  
14 wants to. Now, it also has the right to file -- to hire an  
15 attorney, but that's not necessary.

16 So Penn Jersey could have filed its own claim  
17 itself upon receiving the notice, which it did not. It  
18 apparently sent the notice to its attorney. There's nothing  
19 in the papers that have been filed that Penn Jersey confirmed  
20 receipt with its attorney and that's a major thing.

21 The response does not focus on any of the Pioneer  
22 elements beyond whether the -- beyond the neglect because  
23 it's not necessary to; none of those elements matter unless  
24 the Court can find that the kind of neglect that took place  
25 was within the movant's reasonable control, which it was. It

1 was. It could have filed a proof of claim itself. It  
2 didn't. It could have made sure that its attorney filed the  
3 claim before the deadline and it didn't.

4 And it's not a procedural gotcha, but it's  
5 something to make sure that this process moves as smoothly as  
6 possible because, although, according to the liquidation  
7 analysis and our belief, there are going to be funds  
8 available, we don't really know until property is sold and  
9 there's a lot of "what ifs?" And this Court could open a can  
10 of worms by allowing this claim because there are other  
11 unscheduled -- there are other scheduled claims that were not  
12 filed.

13 And as the debtor's response indicated, the debtor  
14 scheduled a lot of claims both, as unliquidated and unknown  
15 because it wanted to make sure every creditor has notice of  
16 the bankruptcy, had the opportunity to present proof of their  
17 claim, to make sure that every creditor was paid fairly and  
18 paid correctly. And there's nothing here that prevented Penn  
19 Jersey from participating in the process.

20 THE COURT: Okay. Did you want to respond?

21 MS. LEVY: All right. I just want to address a  
22 couple of things. First of all, as far as the "within  
23 reasonable control," that is not the only factor. All of  
24 those factors are supposed to be taken into consideration,  
25 all the equitable factors that I discussed previously.

1           This case is not in the process of -- it's not --  
2 the plan hasn't even been confirmed. The creditors haven't  
3 even voted. And as Mr. Assad said, the Rules don't require a  
4 proof of claim to be filed. If this claim had been listed  
5 properly as "liquidated," which it is, we wouldn't even be  
6 here because would not have to file -- have filed it.

7           The number is identical. It's based on  
8 documentary evidence. And there's nothing equitable that  
9 would disallow this claim.

10           THE COURT: Well, let me ask you to address what  
11 Mr. Assad is arguing, which is I don't even get to the  
12 equitable factors because I have to find excusable neglect  
13 first.

14           MS. LEVY: Well, that's not how I was reading this  
15 case at all. The way I read it is that that is part of the  
16 analysis and that the excusable neglect is only -- it's only  
17 part of it. It's all of the equitable factors.

18           And this is a Court of equity and the equitable  
19 thing to do would be to allow this claim, and we're so early  
20 in the process of the bankruptcy.

21           THE COURT: Okay.

22           MR. LADOV: Your Honor, may I add one thing,  
23 please?

24           THE COURT: Yes.

25           MR. LADOV: We're talking about the neglect of

1 Penn Jersey Paper Company. And I'd like to make an offer of  
2 proof and I'm happy to give testimony if the Court would like  
3 to hear it. The offer of proof is this: I've been  
4 representing Penn Jersey Paper Company for approximately 20  
5 years. Our relationship is a very solid one based on a  
6 foundation of trust during those 20 years. This has never  
7 once happened while -- during my representation of Penn  
8 Jersey Paper Company. I have not missed a deadline, period,  
9 ever in 20 years.

10 So, was Penn Jersey, was it excusable for them to  
11 expect that I would have properly represented their  
12 interests, as I have for the 20 years prior by timely filing  
13 a proof of claim when they sent an email to me about it? I  
14 submit that it is.

15 THE COURT: Okay. Mr. Assad?

16 MR. ASSAD: Your Honor, I just want to clarify one  
17 thing. What I said during my remarks was that a proof of  
18 claim is not required to be filed by an attorney.

19 Upon review of the schedules and the orders  
20 specifying the process, the proof of claim did need to be  
21 filed because it was marked -- because the claim was marked  
22 "unliquidated" on the schedules.

23 With respect to whether it was reasonable for Penn  
24 Jersey to believe, without verification, that its proof of  
25 claim was filed, there was a president of the United States

1 who was well-known for saying, "trust, but verify." We all  
2 trust our fiduciaries, but we also have to verify that they  
3 are, reasonably verify that they are acting within the way  
4 that they're intended to, expected to.

5 And just because they sent off this email to their  
6 attorney saying that the proof of claim needed to be filed  
7 doesn't absolve them of the responsibility to check to make  
8 sure, even if in the course of representation over 25 years  
9 there had never been a mistake made. It's still a  
10 responsibility that they had. They still were the ones who  
11 received the initial notice and knew of the deadlines and  
12 they had a responsibility, as well.

13 THE COURT: And what do you say to the argument  
14 that excusable neglect is just one of many factors that I  
15 have to consider, rather than the other way around, which is  
16 it's the only factor and if I don't find excusable neglect, I  
17 never get to the others?

18 MR. ASSAD: Well, this specific element, I think  
19 in question with respect to that is whether the neglect --  
20 whether the reason for the delay was within the movant's  
21 reasonable control. So, did Penn Jersey have reasonable  
22 control of the situation? Could Penn Jersey have verified  
23 that the claim was filed? Could Penn Jersey have verified  
24 that the notice was received? Could Penn Jersey have  
25 verified that all of the documentation needed for the claim

1 was received?

2 Reasonable control is the, I think, necessary  
3 element that determines in this case whether there was  
4 excusable neglect. And I don't believe that anything that's  
5 been proffered here today or in the papers shows that they  
6 didn't have reasonable control over the situation.

7 THE COURT: Okay. Anything further?

8 MS. LEVY: May I address one more?

9 THE COURT: Yes.

10 MS. LEVY: Okay. Just because I -- debtor's  
11 counsel is saying that the proof of claim had to be filed  
12 because it was listed as "disputed." I get what the plan  
13 says, but the fact is, it is not -- it was checked off as  
14 "unliquidated." It is not unliquidated; it is a contract  
15 issue, which they are typically considered liquidated. And  
16 just because the debtor says that it's liquidated doesn't  
17 make it such and the Court has the ability to reconsider the  
18 way it was described in the schedules.

19 My position is that it is absolutely not  
20 unliquidated. A proof of claim didn't need to be filed and  
21 we -- again, if it had been listed properly as it is, as  
22 "liquidated," we wouldn't even be sitting here.

23 THE COURT: Well, and that may be true. The  
24 problem is that in Chapter 11, as you know, if a claim is  
25 listed as "disputed" or "unliquidated," it's not considered

1 an allowed claim. So that's what gives you the duty, then,  
2 to file a proof of claim, which is why a bar date gets set,  
3 et cetera.

4 The problem is, for me, that I believe you got  
5 notice, so you knew that there was a bar date. I presume in  
6 that, you also know from that, that the claim, whether you  
7 believe it was liquidated or not, the way that it's listed in  
8 the schedules is certainly something that you have access to  
9 at that point to determine whether or not a proof of claim  
10 needs to be filed in order for you to get a distribution.

11 I think that that's a typical duty of a creditor  
12 to be able to determine whether or not they have to file a  
13 proof of claim when they get notice, and I guess my problem  
14 is the fact that you have agreed that you, yes, you did know  
15 about the bankruptcy, you did get the notices, whether or not  
16 you believed that you had to file a proof of claim, I find  
17 troubling to say or to believe that you thought you didn't  
18 have to file one because your claim was liquidated.

19 I'm not sure that that's what you're saying, I'm  
20 just --

21 MS. LEVY: That's not what I'm saying.

22 THE COURT: Okay.

23 MS. LEVY: I'm just making the point that had it  
24 not been listed as "unliquidated," we wouldn't be --

25 THE COURT: Understood.

1 MS. LEVY: -- having this issue. And the Court  
2 does have the discretion to take a look at the way claims are  
3 listed to determine if that is actually what it is. And my  
4 position is that it's not.

5 THE COURT: Okay.

6 MS. LEVY: Thank you.

7 THE COURT: Anything further? You don't have to.  
8 I was just asking if you had anything further.

9 MR. ASSAD: Oh, I would just note at the meeting  
10 of creditors and at the status conference before the Court in  
11 this matter, there was never a concern raised either, by the  
12 Court or by the Office of the United States Trustee or the  
13 Subchapter V Trustee or any other creditors about the manner  
14 in which claims were listed on the schedules.

15 THE COURT: Okay. Well, given the arguments of  
16 the parties, and I have read everything and I understand both  
17 parties' positions with regard to this, and though I  
18 understand that it will be difficult for Penn Jersey, given  
19 that it is a \$70,000 claim, my decision is based on what I  
20 believe Pioneer stands for, which is excusable neglect is not  
21 something that is present here. I think that certainly  
22 there's neglect. I just don't know that it's excusable,  
23 given the notice that was given.

24 Given the status of the case, I believe there was  
25 probably more than one notice that was given, so to the

1 extent that Penn Jersey did not follow up, I don't know that  
2 that is, again, in my mind, excusable neglect under the Code  
3 and under the Rules.

4 So given that, I am going to deny the request to  
5 allow the late-filed claim.

6 MR. LADOV: Thank you, Judge.

7 MR. ASSAD: Thank you, Your Honor.

8 THE COURT: All right. We should take -- why  
9 don't we take the status hearing on Barkmeyer next and then  
10 we'll get to the other status. So, Barkmeyer seems to be the  
11 easy one.

12 MR. ASSAD: Yes, Mike Assad for the debtor, again.

13 The Defendants in this case have satisfied the  
14 claim in full, so the Plaintiff did file a notice of  
15 dismissal. I know at the last status conference there was a  
16 question as to whether that would be sufficient to dismiss  
17 the case, given that there was a sort of answer filed --

18 THE COURT: Right.

19 MR. ASSAD: -- but I would note that the Court  
20 didn't trial a pretrial conference or any other things that  
21 it typically would when an answer is filed so --

22 THE COURT: I think because we didn't get there.

23 MR. ASSAD: Okay.

24 THE COURT: So I did see the notice of dismissal  
25 and I know -- I think last time we spoke, that this was a

1 creditor that was difficult to get anything from. I think  
2 that was part of the problem, right?

3 MR. ASSAD: Yes, Your Honor.

4 THE COURT: And I guess my issue is, a notice of  
5 dismissal is generally okay if an answer is not filed. I  
6 have a hard time with that in this case because the letter to  
7 me admitting that they owe the money, et cetera, to me seems  
8 to be an answer.

9 So what I would prefer, and I know it's going to  
10 be difficult for you, is that you do a consensual dismissal,  
11 because I think that's the proper way to dispose of this,  
12 given that it was -- well, partly because of the answer and  
13 the rule, plus I think that given that it was paid, I don't  
14 know that dismissal without prejudice is the right way to go,  
15 given that it was paid. So not to make your life more  
16 difficult, but I prefer that a consent to dismiss be filed  
17 with their signature --

18 MR. ASSAD: Okay.

19 THE COURT: -- and then I'm happy to close it out.

20 MR. ASSAD: I understand the Court's position and  
21 I will do my best to do that.

22 Would the Court consider ordering the Plaintiff to  
23 file such a document within 30 days and the penalty for not  
24 doing so being dismissal with prejudice so that if I can't  
25 get all those people on the same page to sign everything, the

1 case can be disposed of?

2 THE COURT: I can do that. I can do that.

3 All right. I'll enter an order requiring the  
4 consensual dismissal be filed; otherwise, it will be  
5 dismissed with prejudice.

6 MR. ASSAD: Thank you, Your Honor.

7 And I do intend to do everything I can to get  
8 that --

9 THE COURT: No --

10 MR. ASSAD: -- but just as a backup, just  
11 because --

12 THE COURT: -- understood. So we can move  
13 forward. Got it.

14 MR. ASSAD: -- in the interests of judicial  
15 timing.

16 THE COURT: Okay. The next one is, I think, Tri-  
17 State v Joe Doe, et cetera.

18 So tell me what's -- I did see the amended  
19 complaint, but ...

20 MR. ASSAD: Yes, Your Honor.

21 This is maybe the most interesting case I've ever  
22 been involved in.

23 THE COURT: It is interesting. When I read it, it  
24 is very interesting.

25 Go ahead.

1 MR. ASSAD: And as the complaint alludes to, the  
2 debtor is trying, and has succeeded, in determining the  
3 identity of people who participated in a check-washing scheme  
4 against it. And through the testimony of one of the initial  
5 Defendants who has now been dismissed --

6 THE COURT: Uh-huh.

7 MR. ASSAD: -- the Court would -- the Court, I'm  
8 sorry -- the Plaintiff was able to determine the identity of  
9 one of the Defendants. The Court has issued a summons, which  
10 the Plaintiff will serve today. And the Plaintiff is  
11 continuing to research the documents that it's obtaining  
12 through discovery to find the identity of the other people  
13 involved.

14 And as discussed at the meeting of creditors and  
15 the status conference and various other times in this case,  
16 there's been -- there are suspicions that people involved in  
17 the debtor's management in the past stole from the debtor and  
18 it's believe that this scheme may be related to that. And so  
19 this case is very, very important to the underlying case, to  
20 the bankruptcy case, because the debtor believes that if it  
21 can confirm its suspicions that the person -- people within  
22 the debtor's operation are -- were involved in this, it could  
23 lead to substantial funds that would be recovered for  
24 creditors.

25 THE COURT: Okay. Because what I was going to ask

1 you is when I read the amended complaint, it appears that the  
2 people, the John Does, are perhaps people that are in  
3 California and I was curious as to how we are going to deal  
4 with that going forward. But if it is, I suppose, linked to  
5 insiders of the debtor, perhaps that problem goes away.

6 MR. ASSAD: Yes, Your Honor.

7 So there's -- I'm not sure that I have enough at  
8 this point to name a third John Doe, but I believe there is  
9 one in, you know --

10 THE COURT: Okay.

11 MR. ASSAD: -- the Commonwealth of Pennsylvania or  
12 the state of New Jersey.

13 THE COURT: Okay.

14 MR. ASSAD: I don't think I have the evidentiary  
15 support at this time to amend the complaint to add them --

16 THE COURT: Okay.

17 MR. ASSAD: -- but I think that's coming in the  
18 next month or two.

19 THE COURT: Okay. Which I presume will lead to  
20 another amended complaint because you'll obviously run out of  
21 time --

22 MR. ASSAD: Yes.

23 THE COURT: Okay.

24 MR. ASSAD: So, yeah, I think in all likelihood,  
25 the California John Does will probably not be identified --

1 THE COURT: Okay.

2 MR. ASSAD: -- but they probably aren't the  
3 important characters in the case.

4 THE COURT: Got it.

5 All right. So that's that one. Is there another  
6 one that's on?

7 MR. ASSAD: The --

8 THE COURT: No, I don't think -- I think those are  
9 the only adversaries for the today.

10 MR. ASSAD: Oh, yes, the only adversaries.

11 I think there was Number 2 on the list was the  
12 original confirmation --

13 THE COURT: The original confirmation, right,  
14 which is 3/27 now, because of the -- is that what it is?

15 MR. ASSAD: I think 3/27 is the deadline --

16 THE COURT: Oh, that's the deadline.

17 MR. ASSAD: -- and then two weeks after that is  
18 the confirmation hearing. And I can provide a status update  
19 on that if the Court would like. And I believe Mr. Adams is  
20 on, as well.

21 THE COURT: Yes, Mr. Adams, I'm sorry, I have not  
22 involved you at all until now.

23 MR. ADAMS: That's all right.

24 Good morning, Your Honor. Dave Adams for the U.S.  
25 Trustee. This is the one matter that I'm particularly

1 interested in, so...

2 THE COURT: Okay. So tell me what's going on  
3 with, I guess, Penske, at this point, is the sole objector,  
4 given that Penn Jersey is no longer.

5 MR. ASSAD: The Penske claim --

6 THE COURT: Uh-huh.

7 MR. ASSAD: -- or the Penske objection --

8 THE COURT: Uh-huh.

9 MR. ASSAD: -- I've read briefly, but haven't  
10 delved into directly yet, because there've been a few other  
11 more immediate issues. It's now that I have a few things out  
12 of the way, I intend to look at it more closely --

13 THE COURT: Okay.

14 MR. ASSAD: -- over the next few days.

15 But with respect to the vote, I did calculate  
16 things yesterday and -- because I did discuss with -- I spoke  
17 yesterday with the Subchapter V Trustee just to update him,  
18 as well -- and the vote is close. Right now, there are --

19 THE COURT: Well, the vote goes until the 20th,  
20 right?

21 MR. ASSAD: Yes.

22 THE COURT: Okay. Go ahead.

23 MR. ASSAD: So I was just going to say the vote  
24 is -- there needs to be a majority of quantity and value of  
25 the claims. So at this time, a majority of the value of the

1 claims has voted in favor of the plan and I just need six  
2 more votes in quantity to reach the threshold. So we're very  
3 close to obtaining a consensual plan in this case.

4 THE COURT: Okay. Mr. Adams, do you have issues  
5 with anything going on in this case, other than the fact that  
6 we're pushing it?

7 MR. ADAMS: I do not, Your Honor. Thank you.

8 THE COURT: Okay. I'm just looking to see -- I  
9 don't know if we actually did set up a new confirmation after  
10 we set the 20th as the new voting deadline, so...

11 MR. ASSAD: If I may? The Court's order did state  
12 a date, but I don't believe it's been continued in the CMECF  
13 system.

14 THE COURT: Okay. All right.

15 Yeah, I don't -- let's see. All right. I'll take  
16 a look at that and if it has not -- I don't see an order and  
17 that just may have been an oversight. So if that's true,  
18 then I will get one on the docket.

19 But, presumably, it would be the four --

20 MR. ASSAD: Whichever order it was that extended  
21 the deadlines, my proposed order extended the deadline for  
22 voting and also for objections and election to proceed  
23 under (b) --

24 THE COURT: Yes.

25 MR. ASSAD: -- and also extend the date, as well.

1 THE COURT: The confirmation is March 27th, you're  
2 right. We just didn't put it in the -- okay -- in the  
3 system. It is the 27th, I believe, at 9:30. It's just not  
4 on the calendar yet. Okay. I'll just make sure that that  
5 happens.

6 MR. ASSAD: What is the -- are you looking at the  
7 order, Your Honor?

8 THE COURT: So, I'm looking at the order. It  
9 looks like it -- yeah, so it extended plan voting to  
10 the 20th, extended 1111(b) to the 20th, and objections to the  
11 plan by the 20th, but with confirmation on the 27th.

12 MR. ASSAD: Okay. So I was two weeks behind in  
13 my --

14 THE COURT: Yes. So I will make sure that it gets  
15 on the calendar, as well.

16 MR. ASSAD: I miss flying, so --

17 THE COURT: Somehow we've -- yes, it's just --  
18 yes, which is good. It's moving forward.

19 All right. Well, presumably, you're working on  
20 votes and Penske at this point.

21 Mr. Adams, do you have -- I'm sorry -- do you have  
22 anything else to add? I thought you just came up on my  
23 screen and I thought, well, maybe...

24 MR. ADAMS: No, Your Honor. Thank you.

25 THE COURT: Okay. All right.

1                   So we'll leave it on for the 27th, and between now  
2 and then, good luck.

3                   MR. ASSAD: Thank you.

4                   THE COURT: All right. Thanks.

5                   And you are excused.

6                   MR. ASSAD: Thank you.

7                   THE COURT: I think that's it.

8                   MR. ASSAD: Can I ask the Court, what's the secret  
9 for not coming to court? I'm only -- I'm always the only one  
10 here, but I see there's always a full list.

11                  THE COURT: Everyone -- I guess everyone, but you,  
12 decides that they don't want to come, so they do everything  
13 in their power to stipulate or continue or whatever -- yes.

14                  MR. ASSAD: Well, thank you, Your Honor.

15                  THE COURT: All right.

16                  (Proceedings concluded at 10:00 a.m.)

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter to the best of my knowledge and ability.

/s/ William J. Garling March 14, 2024

William J. Garling, CET-543  
Certified Court Transcriptionist  
For Reliable